

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE FIRSTENERGY CORP.
SECURITIES LITIGATION,**

This document relates to:

**Civil Action 2:20-cv-3785
Chief Judge Algenon L. Marbley
Magistrate Judge Jolson**

ALL ACTIONS.

ORDER

This matter is before the Court on the parties' November 28, 2022 Joint Status Report (Doc. 386). Only one active dispute was raised in the report. The Court now resolves the dispute and **VACATES** the hearing set for December 1, 2022, at 11:00am.

The dispute before the Court concerns the timeliness of document production responsive to a subpoena served on third-party Industrial Energy Users-Ohio ("IEU-Ohio") by Defendant Charles E. Jones. The Court previously ordered IEU-Ohio's document custodian, McNees, Wallace & Nurick, LLC ("McNees"), to include the .pst files of several document custodians in an initial search protocol agreed to by Jones and IEU-Ohio. (Doc. 357). To date, Jones represents that McNees has conducted the search over only those .pst files, and the resulting hit report was given to IEU-Ohio and subsequently provided to Jones. (Doc. 386 at 2). Yet, there has yet to be production from McNees's WorldDox document management system or from a collection of hard copy documents in McNees's possession. (*Id.* at 2–3). Jones says that responsive production needs to proceed swiftly—so he may use the discovery to prepare for upcoming depositions—and requests that the Court impose a deadline. (*Id.* at 4).

IEU-Ohio, for its part, represents that it has been working in good faith with Jones, McNees, and its newly retained interim general counsel to ensure production proceeds without needless time or expense. (*Id.* at 5–8). It does not impose the imposition of a deadline for production. (*Id.*).

Accordingly, the Court **ORDERS** that McNees and IEU-Ohio complete (1) the collection and transfer of all agreed-upon document sources and (2) the production of responsive hard copy documents by December 21, 2022. Further, to ensure that the parties are coordinating efficiently to meet the deadline, Jones and IEU-Ohio are **ORDERED** to submit a joint status report by December 14, 2022, briefly describing the progress of production. Failure to comply with this Order, of any future Order of the Court, may result in sanctions against non-compliant parties.

IT IS SO ORDERED.

Date: November 29, 2022

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE